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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,817	09/14/2005	Hans Schafer	48362	4206

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EXAMINER

ABDELWAHED, ALI F

ART UNIT PAPER NUMBER

3722

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,817	<b>Applicant(s)</b> SCHAFFER, HANS	
	<b>Examiner</b> Ali Abdelwahed	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/4/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because it exceeds the 150 word limit, and contains legal phraseology such as: "means" and "said". Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

Claims 5 and 6 are objected to because of the following informalities:

It is suggested that in:

Claims 5 and 6, line 1, delete "2" and insert --3--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,276,879 B1 to Hecht.

Hecht discloses a machining tool for chip removal; a milling tool in particular having a holder (2) wherein there is provided a tool carrier (30) for a cutting element (1), which has a machining part (5) and a fastening part (6). The fastening part has a base part (4) which may be inserted into the tool carrier in a receiving position (see fig. 5) and which when turned into the locking position extends under at least one holding projection (52) in the tool carrier in order thereby to be usable for metal cutting with the cutting element. The tool carrier on the end side has a receiving channel (36) which extends transversely to the longitudinal axis (A) of the holder and which may be penetrated by at least one locking piece (24) of the base part, and wherein the receiving channel on the edge side is bordered by the respective holding projection under which the respective locking piece may extend in the locking position (see figs. 4, 5). The receiving channel on the end side leads into a receiving cone (132) which widens toward the exterior and which may be brought into contact with a correspondingly configured centering cone (110) of the fastening part in the locking position of the cutting element (see figs. 6-8). The centering cone is adjoined by the machining part with at least one machining edge (108), preferably a triple-edged cutting plate (100), and wherein between the centering cone and the machining edge there is a connecting part (10) which is pulled in the longitudinal axis of the holder in the locking position of

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the cutting element against the outer circumferential edge of the receiving cone (see figs. 5, 9). On the base part there are two locking pieces (115), which are diametrically opposite one another and wherein, located on the free end of the fastening part (106), the locking pieces are connected to the centering cone, which widens toward exterior by way of a fastening shaft (12). The respective locking piece on its side adjacent to the centering cone is provided with a bevel (116), which slopes down in the direction of the free end of the fastening part (see fig. 6). In the interior of the tool carrier assigned to each locking piece there is at least one part of a thread (143) with a lead beginning on the holding projection, which lead is oriented in the direction of the inside wall (138) of the tool carrier, which wall is at least partially closed on the end side (see fig. 7). The axial length of the fastening shaft is at least greater than the length of the diametrically opposite holding projections, especially relative to their bevels, which length is measured in the longitudinal axis of the holder (see figs. 1, 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht in view of JP 01097512 A to Nakayama et al.

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Hecht discloses the claimed invention except for one of the two locking pieces being designed to be radially shorter than the other and wherein the slotted receiving channel has one correspondingly longer and one shorter receiving flank. However, Nakayama et al. teaches a machining tool (1) comprising one of the two locking pieces (2) being designed to be radially shorter than the other (see fig. 7) and wherein the slotted receiving channel (8) has one correspondingly longer and one shorter receiving flank (6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tool of Hecht, in view of Nakayama et al., such that it would provide the tool of Hecht with the concept of the aforementioned limitations for the purpose of enhancing the connection between the tool and the holder.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (571) 272-4417. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner or the examiner's supervisor.



AA  
03/31/2006



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER